

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK

-----X  
JOHN WILLIAM MCCLUSKEY,

Plaintiff,

-against-

TOWN OF SOUTHAMPTON, et al.,

Defendants.  
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**ORDER**

12-CV-2394 (SJF)(ETB)

**FILED**  
IN CLERK'S OFFICE  
U S DISTRICT COURT E D N Y

★ AUG 09 2013 ★

**LONG ISLAND OFFICE**

FEUERSTEIN, J.

On May 15, 2012, pro se plaintiff John William McCluskey ("plaintiff") commenced this action against the Town of Southampton, the Town of Southampton Police Department, the Town of Southampton Courts, and several Southampton police officers, traffic agents and Town Justices ("defendants"). [Docket Entry No. 1]. On February 1, 2013, defendants served a motion to dismiss plaintiff's complaint pursuant to Rule 12(c) of the Federal Rules of Civil Procedure, and the fully-briefed motion was filed with the Court on May 1, 2013. [Docket Entry Nos. 19, 51]. Now before the Court is the Report and Recommendation of Magistrate E. Thomas Boyle dated June 25, 2013 (the "Report") recommending that defendants' motion be granted and that plaintiff's complaint be dismissed in its entirety. [Docket Entry No. 56]. No objections to the Report have been filed. For the reasons that follow, the Court adopts Magistrate Judge Boyle's Report in its entirety.

I. Standard of Review

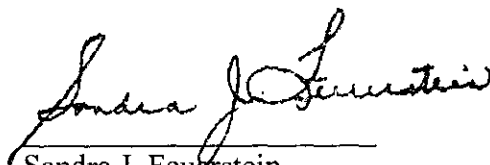
Rule 72 of the Federal Rules of Civil Procedure permits a magistrate judge to conduct proceedings of dispositive pretrial matters without the consent of the parties. Fed. R. Civ. P.

72(b). Any portion of a report and recommendation on dispositive matters to which a timely objection has been made is reviewed de novo. 28 U.S.C. § 636(b)(1); Fed. R. Civ. P. 72(b). However, “when a party makes only conclusory or general objections, or simply reiterates the original arguments, the Court will review the report strictly for clear error.” Frankel v. City of N.Y., Nos. 06 Civ. 5450, 07 Civ. 3436, 2009 WL 465645, at \*2 (S.D.N.Y. Feb. 25, 2009). The Court is not required to review the factual findings or legal conclusions of the magistrate judge as to which no proper objections are interposed. See Thomas v. Arn, 474 U.S. 140, 150 (1985). To accept the report and recommendation of a magistrate judge on a dispositive matter to which no timely objection has been made, the district judge need only be satisfied that there is no clear error on the face of the record. See Fed. R. Civ. P. 72(b); Johnson v. Goord, 487 F. Supp.2d 377, 379 (S.D.N.Y. 2007), aff’d, 305 Fed App’x 815 (2d Cir. Jan. 9, 2009); Baptichon v. Nevada State Bank, 304 F. Supp.2d 451, 453 (E.D.N.Y. 2004), aff’d, 125 Fed. App’x 374 (2d Cir. Apr. 13, 2005). Whether or not proper objections have been filed, the district judge may, after review, accept, reject, or modify any of the magistrate judge’s findings or recommendations. 28 U.S.C. § 636(b)(1); Fed. R. Civ. P. 72(b).

## II. Analysis

No objections to Magistrate Judge Boyle’s Report have been filed. Upon review, the Court is satisfied that the Report is not facially erroneous. Accordingly, the Court accepts Magistrate Judge Boyle’s Report in its entirety, and plaintiff’s complaint is dismissed. The Clerk of Court is respectfully directed to close this case and, in accordance with Rule 5(b)(2)(C) and Rule 77(d) of the Federal Rules of Civil Procedure, serve a copy of this order upon the pro se plaintiff by mailing a copy of the order to his last known address.

**SO ORDERED.**

A handwritten signature in black ink, reading "Sandra J. Feuerstein". The signature is written in a cursive style with a horizontal line underneath it.

Sandra J. Feuerstein  
United States District Judge

Dated: August 9, 2013  
Central Islip, New York